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Eleventh report of the Secretary-General on the implementation of Security Council resolution 1701 (2006)

I. Introduction

1. The present report provides a comprehensive assessment of the implementation of Security Council resolution 1701 (2006) since the last report of the Secretary-General, dated 29 June 2009 (S/2009/330).

2. Overall, the situation in the area of operations of the United Nations Interim Force in Lebanon (UNIFIL) remained generally stable during the reporting period and the cessation of hostilities between Israel and Lebanon continued to hold. Notwithstanding this, a number of serious incidents and violations of resolution 1701 (2006) occurred during this period, both across the Blue Line and in the area between the Blue Line and the Litani River. These illustrated, once again, the continuing fragility of the situation and its potential to deteriorate. In all these instances, UNIFIL maintained close liaison and coordination with the parties on the military level through bilateral channels, urging them to exercise maximum restraint, with a view to preventing an escalation of the situation, and subsequently brought the incidents concerned to the attention of the tripartite mechanism. In addition, my Special Coordinator for Lebanon maintained close contact with the parties on the diplomatic and political level and sought to address acute instances of tension as well as the wider-ranging implementation of resolution 1701 (2006). The absence of progress on the implementation of key aspects of resolution 1701 (2006) continues to impede the attainment of a permanent ceasefire and a long-term solution between the parties.

3. Following the successful parliamentary elections held on 7 June in Lebanon, President Sleiman nominated Saad Hariri, the leader of the parliamentary majority, Prime Minister-designate on 26 June. He tasked him with conducting consultations with all parliamentary groups with a view to forming a government. Those consultations led to an agreement on a power-sharing formula between the majority and the minority for the formation of a government of national unity. However, failure to reach an agreement on the precise composition of the Government prompted Mr. Hariri to resign on 10 September. He was re-designated Prime Minister by President Sleiman on 15 September. At the time of writing this report, the Prime Minister-designate was still engaged in consultations aimed at forming a government. A summit meeting of the President of the Syrian Arab Republic, Bashar al-Assad, and King Abdullah of Saudi Arabia on 7 and 8 October in Damascus

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generally was seen in Lebanon as injecting important positive momentum into the process of government formation. In communiqués issued after the summit, the two leaders affirmed the importance of the early formation of a national unity government in Lebanon.

4. I am pleased to report that both Israel and Lebanon remain committed to the full implementation of resolution 1701 (2006). In order to achieve this goal, the parties must comply with their respective obligations and move from the current state of cessation of hostilities to a permanent ceasefire, thus paving the way for the establishment of longer-term arrangements to govern their relations in the future.

II. Implementation of Security Council resolution 1701 (2006)

5. Since my tenth report on the implementation of resolution 1701 (2006) was issued, and further to my latest report on the implementation of Security Council resolution 1559 (2004), Lebanon's security agencies have continued to coordinate their investigations of alleged Israeli spying networks in Lebanon.

A. Situation in the UNIFIL area of operations

6. In my letter to the President of the Security Council dated 6 August 2009 recommending the extension of the mandate of UNIFUL (S/2009/407), I reported on a series of explosions that occurred on 14 July 2009 in a building in the vicinity of the village of Khirbat Silim in Sector West of the UNIFIL area of operations. The UNIFIL investigation into the incident has been completed and the investigation report handed to the parties. In line with preliminary findings, reported in my letter of 6 August, the investigation concluded that the explosions were caused by the deflagration of ammunition stored in the building. The investigation also concluded that the building was under the control of Hizbullah and that it was not abandoned, but an actively maintained arms and ammunition depot, in clear violation of resolution 1701 (2006). The investigation confirmed that persons acknowledged to be affiliated with Hizbullah removed a substantial quantity of remnants from the site, on civilian vehicles, to an unknown location. On two occasions in the course of the investigation into the incident, again in clear violation of resolution 1701 (2006), the freedom of movement of UNIFIL was obstructed. In the first instance, the UNIFIL investigation team, accompanied by officers of the Lebanese Armed Forces, was prevented from approaching the site of the explosions for several hours by Lebanese civilians. In the second instance, civilians prevented UNIFIL from carrying out a planned joint inspection with the Lebanese Armed Forces of a suspicious house in the vicinity of the explosion site. During this incident, stone throwing by the civilians resulted in injury to 14 UNIFIL personnel and damage to 18 UNIFIL vehicles. Subsequent inspections, after this consequential delay, by Lebanese Armed Forces and jointly by UNIFIL and the Lebanese Armed Forces found nothing suspicious in the house. The Lebanese Armed Forces are continuing their efforts to locate and recover the items that were removed from the explosion site. The Lebanese Armed Forces also collected and confiscated the remaining unexploded materiel from the site of the explosion; unstable remnants were destroyed for security reasons.

7. In my letter of 6 August to the President of the Security Council, I also reported on a violation of the line of withdrawal, or Blue Line, on 17 July 2009 in the vicinity of Kafr Shouba by a group of Lebanese civilians protesting against construction works by the Israel Defense Forces just south of the Blue Line. UNIFIL was in contact with both parties, emphasizing the need to act with maximum restraint and to refrain from any actions that could unnecessarily raise tensions in the area. UNIFIL also intensified, in coordination with the Lebanese Armed Forces, its presence along the Blue Line in the vicinity of Kafr Shouba to prevent further incidents. On 17 August, the Israel Defense Forces dismantled the watchtower and concrete block base that had been erected. Since then, the situation in the area has remained quiet.

8. On 11 September 2009, two rockets were fired across the Blue Line from a banana plantation near the Lebanese village of Al-Qulaylah, 6 kilometres south of Tyre. The rockets landed in an agricultural area just north of the Israeli town of Naharriya, four kilometres south of the Blue Line. UNIFIL, in coordination with the Lebanese Armed Forces, immediately deployed additional troops to the area. The Israel Defense Forces immediately responded with 12 rounds of artillery directed towards the rocket launching site. Neither the rocket attack nor the artillery fire caused any injuries. UNIFIL, in close coordination with the Lebanese Armed Forces, conducted an investigation into the incident and reported the findings and conclusions to the parties. The relevant Lebanese authorities launched an investigation to identify and apprehend the perpetrators.

9. On 27 October, another rocket attack occurred when one rocket was fired across the Blue Line from the general area of Houla (Sector East). The rocket landed in an agricultural field to the east of Kiryat Shemona in northern Israel. Starting almost one hour later and providing prior warning to UNIFIL, the Israel Defense Forces responded by firing seven artillery shells, over a period of 25 minutes, directed towards the rocket launching site. Neither the rocket attack nor the artillery fire caused any injuries. The following morning, UNIFIL and the Lebanese Armed Forces discovered the rocket launch site, located in the garden of a house under construction on the south-western outskirts of Houla. Four additional rockets were found at the site, which were disarmed by the Lebanese Armed Forces and removed for further investigation. The UNIFIL investigation is ongoing. The relevant Lebanese authorities commenced an investigation to identify and apprehend the perpetrators of the attack.

10. The firing of the rockets is a matter of concern since they constitute serious violations of resolution 1701 (2006). The Lebanese authorities have the primary responsibility to ensure that there are no unauthorized armed personnel, assets or weapons in the area between the Blue Line and the Litani River. Investigations by the Lebanese authorities are also still under way into the rocket launching incidents of 17 June 2007, 8 January 2008, and 8 and 14 January and 21 February 2009. No suspects have been identified thus far.

11. The artillery response of the Israel Defense Forces to the rocket attacks is a matter of concern. In the context of the cessation of hostilities, it is the expectation of the United Nations that the parties, when they have been fired upon, immediately notify UNIFIL and refrain from responding except where that is clearly required in immediate self-defence, and allow, in the first instance, UNIFIL and the Lebanese Armed Forces to deal with an attack.

12. During part of September, including prior to the rocket attack of 11 September, and in October, UNIFIL and the Lebanese Armed Forces intensified patrolling, reconnaissance and search activities in the area of operations with a focus on former and possible rocket launching positions close to the Blue Line, and generally maintained a higher operational tempo, in the light of specific indications that some extremist groups were attempting to carry out attacks. The Lebanese Armed Forces also intensified the checking and searching of vehicles during these periods.

13. On 12 October, an incident involving a fire, possibly caused by an explosion, occurred in the garage of a residential building in Tayr Falsay, owned by a local municipal official from Hizbullah. UNIFIL, in close cooperation with the Lebanese Armed Forces, immediately launched an investigation. However, some items were removed from the site by unknown persons, immediately following the incident and prior to the arrival of UNIFIL and the Lebanese Armed Forces, and apparently transported to another location in the nearby village of Deir Qanun an-Nahr. UNIFIL and the Lebanese Armed Forces inspected both locations but found no signs of an explosion or of unauthorized arms and ammunitions at either of the two locations. It appears, however, that evidence may have been tampered with at both locations. The UNIFIL investigation is ongoing.

14. On 17 and 18 October, two explosions occurred in the area between Houla and Meiss el-Jebel. The UNIFIL investigation, conducted in close cooperation with the Lebanese Armed Forces, is ongoing. Preliminary indications are that the explosions were caused by explosive charges contained in an unattended, underground Israel Defense Forces sensor system. UNIFIL and the Lebanese Armed Forces discovered a battery pack buried in the ground at the same location, which was apparently a third part of the system. The ongoing investigation will try to establish the facts regarding the device, including how and when it was installed, how it was discovered and by whom and how it was detonated. The presence of Israel Defense Forces devices with explosive charges on Lebanese territory constitutes a violation of resolution 1701 (2006), irrespective of when the devices were planted. During those events on 17 and 18 October, Israeli unmanned aerial vehicles were observed flying over the incident area for a prolonged period of time. The Lebanese Armed Forces fired small arms against the unmanned aerial vehicles. The overflights by unmanned aerial vehicles over the area of the incident not only constitute an air violation but also interfered with UNIFIL operational activities and freedom of movement.

15. The Israel Defense Forces continued their occupation of the northern part of Ghajar village and an adjacent area of land north of the Blue Line, in violation of resolution 1701 (2006). Notwithstanding Israel's obligation to withdraw from the area, UNIFIL in June 2008 submitted a proposal to facilitate the full withdrawal of the Israel Defense Forces from north of the Blue Line. While the Government of Lebanon expressed its readiness to accept the UNIFIL proposal in August 2008, and the Government of Israel expressed its willingness to initiate discussions on the proposal in November 2008, there has been no concrete response from Israel to date.

16. Daily intrusions of Israeli aircraft and unmanned aerial vehicles into Lebanese airspace continued at a high level, in violation of Lebanese sovereignty and resolution 1701 (2006). UNIFIL protested about all the overflights. The Government of Lebanon also protested against the overflights and in a position paper submitted to the United Nations, dated 16 October 2009, demanded an immediate cessation of

all land, sea and air violations of Lebanese space, rejecting any attempt to link such violations with allegations of arms smuggling. The Government of Israel maintained that the overflights were necessary security measures, citing alleged lack of enforcement of the arms embargo.

17. On 8 July, a Lebanese civilian approached the technical fence close to the tomb of Sheikh Abbad next to United Nations position 8-33, east of Houla in Sector East. As UNIFIL personnel approached, the civilian fled. Contact with the individual was lost because of the steep and rocky terrain. Later that day, the Israel Defense Forces informed UNIFIL that they had arrested one Lebanese civilian on Israeli territory. During the night, at the Ras Naqoura crossing point, the Israel Defense Forces handed the man over to UNIFIL personnel, who, in turn, handed him over to Lebanese authorities. On 24 August, an Israeli civilian crossed the Blue Line in the vicinity of Marun ar-Ras and moved towards Aytarun in Sector West, where he was detained by Lebanese security authorities. Following investigation, on 27 August, the Lebanese Armed Forces handed him over to UNIFIL personnel, who, in turn, handed him back to the Israel Defense Forces at Ras Naqoura. UNIFIL was able to facilitate the swift return of both individuals to their respective countries with the close cooperation and coordination of the Israel Defense Forces and the Lebanese Armed Forces.

18. In addition, three attempted smuggling incidents, two near the village of Ghajar and one between the Lebanese town of Kafr Kila and the Israeli town of Metulla, were foiled through the coordinated actions of UNIFIL and the Lebanese Armed Forces; and UNIFIL and the Israel Defense Forces, respectively.

19. There also were several minor ground violations of the Blue Line and incidents during the reporting period, mainly by Lebanese shepherds who crossed the Blue Line accompanied by their livestock. Lebanese Armed Forces and UNIFIL troops positioned close to the Blue Line continued to warn the local population on the location of the Blue Line to prevent inadvertent violations. These continuing violations underline the importance of accelerating the visible marking of the Blue Line.

20. UNIFIL continued to make steady progress in visibly marking the Blue Line with the Lebanese Armed Forces and the Israel Defense Forces. The parties agreed to an extension of the areas being marked and work is being carried out in four sectors totalling 36.5 kilometres. To date, there are 62 agreed coordinates: 24 markers already are installed; 15 markers are under construction; and the coordinates of 23 points are set to be measured on the ground with the parties. One additional point has been unilaterally marked by UNIFIL, with the agreement of the parties. UNIFIL proposed nine further coordinates and additional sectors for marking, which are being considered by the parties. Both the Lebanese Armed Forces and Israel Defense Forces reiterated their commitment to speed up the process, particularly the need to intensify field work. UNIFIL demining teams support the project by clearing minefields and unexploded ordnance.

21. Work continued on the project of the Lebanese Armed Forces to build a road parallel to the Blue Line with UNIFIL engineering assets providing support. Construction work commenced on 4 of the 11 connecting road links, which constitutes the first stage of the project, and it is anticipated that three links will be completed before the onset of winter weather. It is expected that demining and construction work on the 11 links will take approximately two years to complete.

The eventual completion of this road project will provide UNIFIL and the Lebanese Armed Forces with increased access and mobility along the length of the Blue Line.

22. UNIFIL and the Lebanese Armed Forces maintained their respective installations and conducted daily activities at a high operational tempo. Efforts to enhance the efficiency of their coordinated activities continued. The two forces continued operating six co-located checkpoints on the Litani River, as well as two that are permanent and five at randomly selected locations in the area of operations. In addition, the two forces carried out three coordinated foot patrols daily along the Blue Line. UNIFIL and the Lebanese Armed Forces also conducted an average of 15 counter-rocket-launching operations during each 24-hour period.

23. During the reporting period, UNIFIL and the Lebanese Armed Forces conducted a comprehensive two-day earthquake contingency exercise in southern Lebanon involving a wide range of military and civilian organizations in the areas of disaster management, civil defence and first aid. They also conducted an artillery exercise. UNIFIL engagement with the Lebanese Armed Forces on civil-military issues is ongoing. The UNIFIL Maritime Task Force and the Lebanese navy, including personnel with the Coastal Radar Organization and the Lebanese naval chain of command, continued to engage in regular joint training and exercises at sea and on land, with a particular focus on response to unexpected events. During training periods at sea lasting several days, Lebanese navy personnel on board Maritime Task Force units received training in navigation and maintenance.

24. UNIFIL continued to exercise full freedom of movement, in general, throughout its area of operations, with the exception of the incidents described earlier that occurred in the vicinity of Khirbat Silim. On occasion, UNIFIL patrols were temporarily stopped by local civilians attempting to hinder UNIFIL movement in pursuing civilians carrying hunting rifles. The incidents were brief and resolved on the ground, often with the assistance of the Lebanese Armed Forces. In addition, UNIFIL activities were monitored on occasion by civilians in various areas.

25. There were a number of instances of Lebanese civilians, mostly children and youths, throwing stones at UNIFIL patrols. In addition, on several occasions, UNIFIL observed civilians close to the Blue Line throwing stones at the Israeli technical fence. In order to prevent such incidents, UNIFIL and the Lebanese Armed Forces increased their presence in places where the stone throwing generally occurred.

26. Although the stance of the local population towards UNIFIL remains generally positive, the Khirbat Silim incidents showed the continued importance of the force's public outreach. The outreach seeks to engage the press and local communities and to ensure their understanding of the UNIFIL mandate and its daily operational activities. The provision of humanitarian, infrastructural and capacity-building support through the activities of troop-contributing countries and projects funded through the UNIFIL budget continued.

27. UNIFIL continued to assist the Lebanese Armed Forces in establishing an area between the Blue Line and the Litani River free of unauthorized armed personnel, assets and weapons, including through taking intensive and coordinated measures specifically aimed at preventing the smuggling of weapons across the Litani River, removing and destroying any weapons and related materiel discovered in the area, and ensuring that there are no armed elements in the area.

28. As stated in my earlier reports, this is a long-term endeavour. The rocket attack of 11 September demonstrated that there continue to be weapons and hostile armed elements ready to use them within the area of operations. The presence of the arms and ammunitions depot in Khirbat Silim was a clear violation of resolution 1701 (2006). The UNIFIL investigation into the incident in Tayr Falsay on 12 October is ongoing. In addition, one empty bunker and two caves were discovered during the reporting period. There was no evidence of their recent use. UNIFIL routinely checked former facilities of armed elements in the area of operations, including bunkers and caves, but did not find any indication that they had been reactivated or any evidence of new military infrastructure in its area of operations.

29. UNIFIL remains determined to act with all necessary means within its mandate and to the full extent within its rules of engagement. To date, UNIFIL has neither been provided with, nor found, evidence of the smuggling of arms into its area of operations. The investigation into the Khirbat Silim incident did not find evidence suggesting that the arms and munitions had been smuggled into the UNIFIL area of operations since the adoption of resolution 1701 (2006). On the basis of remnants located at the site by UNIFIL and the Lebanese Armed Forces, it was ascertained that the arms and munitions dated mainly from the late 1970s to the early 1990s, and had originated from various countries. With regard to the rocket attack of 11 September, UNIFIL is not in a position to determine from the available evidence whether the rockets were smuggled into or already present in the area of operations.

30. As requested in resolution 1884 (2009), UNIFIL continues to seek to further enhance its operational activities with the Lebanese Armed Forces, and improve monitoring and control of the entry points across the Litani River, to ensure that there are no unauthorized armed personnel, assets or weapons in the UNIFIL area of operations. UNIFIL, in collaboration with the Lebanese Armed Forces, immediately investigates any claims regarding the illegal presence of armed personnel or weapons in the area if specific information is received. Concerning the arms and ammunitions depot in Khirbat Silim, UNIFIL did not receive from any party or possess any information of its existence prior to the explosion. According to its mandate, UNIFIL cannot search private houses and properties unless there is credible evidence of a violation of resolution 1701 (2006), including an imminent threat of hostile activity emanating from that specific location. The Lebanese Armed Forces Command reconfirmed that it will act immediately on receiving evidence of unauthorized armed personnel or weapons in the area and put a stop to any illegal activity in contravention of resolution 1701 (2006) and relevant Government decisions, specifically concerning the illegal presence of armed personnel and weapons south of the Litani River.

31. On numerous occasions, UNIFIL encountered civilians armed with hunting rifles in the area of operations, despite the Government ban on hunting and the carrying of weapons inside the area. The Lebanese Armed Forces took action against alleged hunters, although some managed to flee, and continued to remind the local population of the general ban on hunting, as well as the ban on the carrying of weapons inside the area. In addition, armed persons and weapons are present inside the Palestinian refugee camps in the area.

32. The UNIFIL Maritime Task Force continued its dual mandate of carrying out maritime interdiction operations to prevent the entry of unauthorized arms and related materiel, as well as training of the Lebanese navy. Since the start of its

mission in October 2008, the Maritime Task Force has hailed and queried over 27,800 ships in its area of operations. Since my last report, an additional 78 inspections were carried out on vessels that were identified as suspicious, increasing the total number to 390 since the inception of the Maritime Task Force. Of those 78 inspections, the Lebanese navy initiated 24 while the Maritime Task Force requested 54. The Lebanese navy and Lebanese Customs inspected the vessels to verify that there were no unauthorized arms or related materiel on board and cleared all of them. The Lebanese navy continued contributing to the maritime interdiction operations inside the territorial waters by hailing vessels approaching the main Lebanese ports, while the Maritime Task Force assumed a monitoring role. The lack of adequate naval units presents a major challenge to the Lebanese navy in assuming increased responsibilities on a sustainable basis.

33. Incidents along the line of buoys continued almost daily. Israel Defense Forces south of the buoy line dropped explosive charges in the area and on numerous occasions fired warning shots and flares along the line. The Israel Defense Forces stated that these were security measures against Lebanese fishing vessels approaching or crossing the line of buoys, which Israel installed unilaterally and which the Government of Lebanon does not recognize. The Israel Defense Forces reiterated its earlier proposal that the tripartite mechanism discuss activities and security measures on either side of the line of buoys. The Lebanese Armed Forces restated in the tripartite forum that it was necessary to first identify a line in conformity with international standards and that the Government of Lebanon requested the United Nations to entrust UNIFIL with this task (also see S/2009/330).

B. Security and liaison arrangements

34. The monthly tripartite meetings, chaired by the Force Commander with senior representatives of the Lebanese Armed Forces and the Israel Defense Forces, continue to be a critical element of UNIFIL liaison and coordination and an essential mechanism to identify and address security and military operational issues with the parties and to reinforce the cessation of hostilities. Violations of resolution 1701 (2006) were discussed, and UNIFIL made available to the parties its investigation reports into the Khirbat Silim and September rocket firing incidents, respectively. The incidents in Tayr Falsay and in the Houla area in October also were discussed in this forum. During the reporting period, the parties increasingly relied on liaison and coordination, in particular the tripartite forum, to advance practical solutions to address a number of contentious issues such as the situation in Kafr Shouba, Kafr Kila and Blida, as well as the repatriation of individuals that had crossed the Blue Line. During the meetings, the parties reiterated their commitment to resolution 1701 (2006) and the significance of the tripartite meetings in enhancing security and stability, and they utilized this mechanism to constructively address all issues under discussion.

35. Regular exchanges between UNIFIL and the Lebanese Armed Forces senior command continued during the reporting period and ensured a closely coordinated strategic approach to the activities of the two forces. During periods of heightened security alerts, UNIFIL and the Lebanese Armed Forces also further intensified their coordination and operational activities. Daily liaison at various levels remained close, facilitating efficient coordination at the operational and tactical levels. The Lebanese Armed Forces maintained liaison officers at UNIFIL headquarters in

Naqoura and at Sector headquarters, while UNIFIL continued to have a liaison officer stationed at Lebanese Armed Forces headquarters South Lebanon, in Tyre.

36. On 11 September, UNIFIL hosted a meeting of donor countries to the Lebanese Armed Forces, chaired by the Force Commander, to brief them on UNIFIL-Lebanese Armed Forces cooperation at the strategic and operational levels, including in the areas of civil-military coordination and community outreach. A Lebanese Armed Forces representative provided a comprehensive presentation on the Army's five-year plan to train and equip its forces. Although UNIFIL-Lebanese Armed Forces training and exercises address some of the identified needs, it is essential for the Lebanese Armed Forces, including the navy, to receive additional material and technical support, so that they may be in a position to gradually assume greater responsibility in the UNIFIL area of operations and the Lebanese territorial waters.

37. The Lebanese Armed Forces deployment in the UNIFIL area of operations remained largely unchanged, comprising three brigades (two heavy and a third that is in the process of being transformed from a light into a heavy brigade), with a current strength of approximately 5,000 troops. Once the reinforcement of the third brigade with one artillery and one tank battalion is completed, the overall strength of the Lebanese Armed Forces deployed in the UNIFIL area of operations is expected to reach between 5,500 and 6,000 troops. In addition, the Lebanese Armed Forces provides control north of the Litani River over access points to the UNIFIL area of operations.

38. Coordination and liaison with the Israel Defense Forces remained efficient. The UNIFIL Force Commander maintained effective relations with his Israel Defense Forces counterparts, as well as with other senior Israeli authorities. UNIFIL continued to have a liaison team with two officers at the Israel Defense Forces Northern Command headquarters in Zefat. There has been no progress on the establishment of the UNIFIL office in Tel Aviv during the reporting period, and the Israel Defense Forces, for the time being, have maintained their position that there is no need for the office.

C. Disarming armed groups

39. The explosions on 14 July in a building near the village of Khirbat Silim, in the UNIFIL area of operations, which was under the control of Hizbullah, and the rocket attacks of 11 September and 27 October provided a stark reminder of the challenges that armed groups operating outside the control of the State pose to Lebanon's sovereignty and authority.

40. In the aftermath of those incidents, and in a letter from the Permanent Representative of Israel to the United Nations dated 16 October 2009, the Government of Israel reiterated its position concerning Hizbullah's continued armament and increased military capability in Lebanon. Hizbullah has not challenged allegations regarding its military equipment and capability and has declared publicly that it will use its arsenal to defend itself if attacked. Hizbullah has denied to my Special Coordinator allegations that it has transferred weapons into the area south of the Litani River and maintains that it continues to abide by the requirements of resolution 1701 (2006).

41. As discussed in my latest report on the implementation of Security Council resolution 1559 (2004), no progress has been made with regard to addressing the presence of Palestinian military bases operated by the Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifada in Lebanon, all but one of which are located along the Lebanese-Syrian border outside the official Palestinian refugee camps administered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). The presence of those military bases continues to compromise Lebanese sovereignty and governmental authority. It also poses a challenge to the effective control of the eastern border between Lebanon and the Syrian Arab Republic.

42. The security situation in the UNRWA-administered Palestinian refugee camps remained relatively calm, with only minor incidents during the reporting period. This positive development is largely due to increased cooperation and coordination between Palestinian camp authorities and Lebanese security agencies. I remain, however, concerned about reports of threats to the United Nations posed by militant extremist groups present in Lebanon. Some of those elements have sought shelter in Palestinian refugee camps, including Ain el-Hilweh camp at Sanda, to which Lebanese security agencies do not have access.

43. Mindful of the provision of paragraph 10 of resolution 1701 (2006) regarding the disarmament of armed groups, I continue to believe that this should be carried out through a Lebanese-led process that will bring the full restoration of the authority of the Government of Lebanon over all its territory, so that there will be no weapons without the consent of the Government of Lebanon and no authority other than that of the Government of Lebanon. In this regard, Lebanese leaders have mandated the National Dialogue, convened by President Sleiman, to agree on a national defence strategy. The National Dialogue is also mandated to implement past agreements, some of which refer to the disarmament of Palestinian groups outside the officially recognized camps.

44. The National Dialogue, which last met on 1 June, is currently in recess as a consequence of the Lebanese parliamentary elections and the process of formation of a government. At its last session, the National Dialogue requested the President to reconvene the dialogue following the elections, further to consultations with all parties on a formal agenda and a potential extension of the participation to take into account the results of the Parliamentary elections.

D. Arms embargo

45. By one of the key provisions of resolution 1701 (2006) the Council called upon the Government of Lebanon to secure its borders and other entry points so as to prevent the entry of arms and related materiel without the consent of the Government. The Council also decided that all States were to prevent the sale or supply of arms and related materiel to entities or individuals in Lebanon by their nationals or from their territories using their flag vessels or aircraft.

46. Since my last report to the Security Council on the implementation of resolution 1701 (2006), the Common Border Force, comprising staff from the Lebanese Army, Internal Security Forces, Customs and General Security, has continued its operations along a stretch of 90 kilometres of the northern border between Lebanon and the Syrian Arab Republic. Lebanese authorities reported that

the Common Border Force made several arrests in connection with the smuggling of commercial goods and agricultural products during this period.

47. Planning for the deployment of a second Common Border Force to a section of the northern part of the eastern border with the Syrian Arab Republic, in compliance with a Cabinet decision adopted on 20 December 2008, has continued. The Lebanese authorities, with support from international experts, continued to improve the workplan for this deployment. My Special Coordinator continued to coordinate the efforts of the international community in support of this exercise. During the reporting period, about 365 Army personnel were deployed to the border in preparation for their future assignment to Common Border Force II. Those troops replace a battalion of equivalent size that was assigned to the same area of operation, but outside the chain of command of Common Border Force II. About 100 members of the Internal Security Forces, also previously stationed in the border area, have been placed under the authority of the second force; no personnel from either Customs or General Security have yet been assigned to it.

48. The lack of demarcation of parts of the border between Lebanon and the Syrian Arab Republic continues to be a significant obstacle to improved border management. Other significant impediments to effective border control between Lebanon and the Syrian Arab Republic are the presence of Palestinian military bases in locations straddling the border between the two.

49. During the reporting period, the Government of Lebanon has not reported any incidents of arms smuggling into Lebanon through any of its land, sea or air borders. During my Special Coordinator's visit to Israel, on 30 September and 1 October, the Government of Israel repeated to him its allegations of significant breaches of the arms embargo across the border between Lebanon and the Syrian Arab Republic, aimed at reinforcing the military capability of Hizbullah. The United Nations takes these allegations seriously but is not in a position to verify the information independently.

E. Landmines and cluster bombs

50. All humanitarian clearance operations in southern Lebanon continue to be coordinated by the Lebanese Mine Action Centre through the Regional Mine Action Centre in Nabatieh. The United Nations Mine Action Coordination Centre continues to liaise between UNIFIL and the Regional Centre. During the reporting period, 14 additional cluster bomb strike locations were identified on the ground and recorded by the Regional Centre, bringing the total number of locations recorded to date to 1,087.

51. The Regional Mine Action Centre also continues its assessment on the ground of the technical strike data that was received from Israel in May 2009. The strike data indicated 282 potential strike locations that had not previously been identified, of which 166 are north of the Litani River and 116 south of the Litani River. It is expected that the total number of cluster bomb strike locations will increase upon completion of the assessment. The Regional Centre's assessment report will be made available to UNIFIL and the United Nations Mine Action Coordination Centre.

52. During the reporting period, there were two incidents involving unexploded ordnance from the 2006 conflict, including cluster munitions, resulting in three injuries. The incidents bring the total number of fatalities and injuries among civilians since the end of the conflict to 28 and 247, respectively. One accident occurred during clearance operations in this period and resulted in one injury, bringing the total number of casualties resulting from clearance activities since August 2006 to 58, 14 fatalities and 44 injuries.

F. Delineation of borders

53. In pursuance of the implementation of paragraph 10 of resolution 1701 (2006) and of paragraph 4 of resolution 1680 (2006) calling for the delineation of the border between Lebanon and the Syrian Arab Republic, I have welcomed the agreement reached between the Presidents of the two countries in August 2008 to reactivate the Lebanese-Syrian border committee tasked with delineating and demarcating their common border. However, there has not been any progress in this respect during the reporting period.

54. In its letter of 8 July 2009 (S/2009/345), the Syrian Arab Republic again insisted that border delineation and demarcation was a bilateral matter that depends on the authorities in the Syrian Arab Republic and in Lebanon. In the same letter, the Syrian Arab Republic reiterated that it was prepared to begin demarcating the Syrian-Lebanese border, starting from the north for reasons of practical necessity because the southern part of the common border, including the Shab'a Farms, is under Israeli occupation. However, the United Nations is unaware of any concrete steps taken in this regard.

55. There continues to be no progress on the issue of the Shab'a Farms area. In spite of my repeated requests, I have not received any responses from Israel or the Syrian Arab Republic to the provisional definition of the area contained in my report on the implementation of resolution 1701 (2006) dated 30 October 2007 (S/2007/641). I encourage them to submit their reactions to the provisional definition of the Shab'a Farms area to the United Nations Secretariat.

III. Security and safety of the United Nations Interim Force in Lebanon

56. The safety and security of UNIFIL personnel remains a priority. Notwithstanding the obligation of all parties to ensure the safety and security of UNIFIL and the responsibility of the Government of Lebanon for maintaining law and order, UNIFIL continued to focus on mitigating risks to its personnel, assets and installations while ensuring mandate implementation. Security threats highlighted the ongoing need for UNIFIL to maintain a high level of preparedness and contingency planning to ensure the safety and security of all personnel. In addition to electronic countermeasures to jam explosive devices, UNIFIL can rely on micro-unmanned aerial vehicles as a critical risk mitigation asset to be utilized at the discretion of the Force Commander to enhance Force protection and civilian staff security.

57. On 8 July, the Lebanese Military Court sentenced 13 defendants, and acquitted another, on charges of forming a militant group and planning and executing three bombing attacks, including the attack of 16 July 2007 against UNIFIL at Qasmieh Bridge. On 14 September, the Military Court sentenced five defendants suspected of involvement in the attack of 8 January 2008 against UNIFIL near Saida. No new information is available on the investigation into the attack of 24 June 2007, in which six peacekeepers of the Spanish contingent were killed. On 19 June, the Military Court sentenced 12 members of a cell which was operational from 2004 to 2006 on charges of forming a militant group, possessing weapons, conducting military training, launching rockets against Israel and plotting terrorist attacks against UNIFIL. UNIFIL continues to attend all court hearings as an observer.

IV. Deployment of the United Nations Interim Force in Lebanon

58. In accordance with resolution 1884 (2009) and in line with peacekeeping good practice, a review of the operational capacity of UNIFIL, including its force structure, assets and requirements, on land and at sea, has been initiated. The review is expected to be completed at the beginning of 2010.

59. As at 16 October 2009, the total military strength of UNIFIL was 12,394 personnel, of whom 455 were women, with a civilian strength of 335 international and 661 national staff members, of whom 94 and 169 respectively were women. UNIFIL is supported by 53 United Nations Truce Supervision Organization military observers of the Observer Group Lebanon, including one woman. The Government of Denmark agreed to deploy a multirole logistics company to UNIFIL to replace the Polish logistics and maintenance company. The company is expected to deploy in mid-November. The Government of Poland agreed to extend the presence of its troops beyond October to ensure a smooth handover; the gradual withdrawal of the Polish contingent is expected to commence early in November and be completed by mid-December. As part of the strengthening of UNIFIL with additional infantry companies, a Malaysian company deployed to UNIFIL late in June. One company from Indonesia is expected to arrive by mid-November and a company from Nepal is scheduled to deploy in December. Work on the new logistics infrastructure at the expanded UNIFIL headquarters site progressed according to schedule. Securing improved air surveillance assets for the mission remains a priority.

60. At the end of August, Italy handed over the leadership of the UNIFIL Maritime Task Force to Germany. The Maritime Task Force has continued operating at a reduced strength of seven to eight vessels, the composition varying between one to two frigates, one corvette, four to five fast patrol boats and one supply vessel, complemented by one to two helicopters. The shortfall in assets continues to hamper the full implementation of the Maritime Task Force's dual mandate of maritime interdiction operations and Lebanese navy training activities.

V. Observations

61. While the situation in the UNIFIL area of operations remained generally quiet, the series of recent incidents that have occurred is of serious concern to me. I am pleased that the parties maintained their commitment to resolution 1701 (2006).

More work remains to be done, however, in implementing the outstanding elements of resolution 1701 (2006). I condemn all violations of resolution 1701 (2006) that occurred in this period and call for increased vigilance. I urge the parties to continue to act with maximum restraint and to respect the cessation of hostilities and the Blue Line. I am particularly concerned about the firing of rockets on 11 September and 27 October — the fourth and fifth such attacks in 2009 against Israel from Lebanese soil. I am concerned also about the arms and ammunitions depot that was discovered in Khirbat Silim, as well as the incidents in Tayr Falsay and the Houla area in October, which are still under investigation.

62. In accordance with resolution 1701 (2006), it is the primary responsibility of the Lebanese authorities to establish an area free of armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL in the area between the Blue Line and the Litani River. UNIFIL is tasked and continues to assist the Lebanese Armed Forces with the establishment of such an area.

63. I condemn the attacks on UNIFIL personnel by Lebanese civilians that resulted in injuries to peacekeepers and damage to their vehicles, and I reiterate my concern regarding attempts to obstruct the freedom of movement of UNIFIL. I urge the parties to abide by their obligation to respect the mandate of UNIFIL, including its full freedom of movement in its area of operations. The safety and security of United Nations personnel remains of paramount importance. I urge all parties to abide by their obligation to ensure their safety and security.

64. The role of the Lebanese Armed Forces, in cooperation with UNIFIL, to implement resolution 1701 (2006) remains critical. The Lebanese Armed Forces continued to act with commitment and resolve, especially during times of heightened tension. I am grateful to those countries that continue to provide equipment and training to the Lebanese Armed Forces, including the Lebanese navy. I urge the international community to continue and intensify this support, which is required for the Lebanese Armed Forces to assume effective security responsibility over the area of UNIFIL operations and the maritime entry points into Lebanon in the future.

65. I am grateful to all troop-contributing countries for their continued commitment to UNIFIL and to the implementation of resolution 1701 (2006). The need for this continued commitment and support, including the contribution of troops and assets necessary to enable UNIFIL to efficiently and effectively perform all of its mandated activities on land and at sea, cannot be overstated. I wish to commend the UNIFIL Force Commander and the military and civilian peacekeeping personnel who continue to play a critical role in helping to promote peace and stability in southern Lebanon, as well as the Special Coordinator for Lebanon and the staff of his Office.

66. The presence of armed groups in Lebanon operating outside the control of the State continues to pose a challenge to the ability of the State to exercise its full sovereignty and control over its territory, and is of concern to me. As I have stated previously, I believe that the disarmament of all armed groups should be carried out through a Lebanese-led political process, so that there are no weapons or authority in Lebanon other than those authorized by the State.

67. In this connection, I call upon Lebanese leaders to make meaningful progress in their discussions on a national defence strategy at the National Dialogue

convened by President Sleiman and to ensure the implementation of past dialogue decisions, including the dismantling of Palestinian military bases outside the officially recognized refugee camps. While the national defence strategy remains a central issue of the political debate in Lebanon, I regret that the prolonged political deadlock during the reporting period has not been conducive to addressing the issue. I hope that the National Dialogue will convene once a government is agreed upon and that it will make meaningful progress in its discussions in the coming period.

68. Progress in the delineation and demarcation of the border between Lebanon and the Syrian Arab Republic is important for improved border control. I encourage the two Governments to pursue their bilateral efforts in this regard. I regret that there has been no progress on delineating and demarcating the Syrian-Lebanese border during the reporting period. I continue to stress to the Governments of both countries the importance of the final determination of their common borders for peaceful coexistence and good-neighbourliness. I also intend to continue my diplomatic efforts aimed at resolving the issue of the Shab'a Farms area. I call upon Israel and the Syrian Arab Republic to submit their responses to the provisional definition of the Shab'a Farms area that I had provided on the basis of the best available information.

69. I call upon Israel to cease immediately all overflights of Lebanese territory, which are in violation of Lebanese sovereignty and resolution 1701 (2006).

70. I again express my concern that the Israel Defense Forces co tinued their occupation of the part of the village of Ghajar, and an adjacent area of land, that lies north of the Blue Line. I call on the Government of Israel, in accordance with its obligations under resolution 1701 (2006), to complete its withdrawal from the area without further delay. UNIFIL remains ready to facilitate the full withdrawal of the Israel Defense Forces.

71. The arms embargo imposed on Lebanon by resolution 1701 (2006), of which it is a fundamental aspect, remains an essential factor in maintaining domestic and regional stability. I call upon all Member States to comply with their obligations by immediately and unconditionally respecting the arms embargo. I also call upon regional parties, particularly those with ties to Hizbullah and other groups in Lebanon, to abide by the terms of the embargo. Any breach of it is a violation of Lebanese sovereignty and threatens the stability of the country and the region.

72. I welcome the steps taken by the Lebanese authorities to improve the control and management of their borders. My Special Coordinator will continue to coordinate the efforts of the international community in support of those initiatives. Although the initiatives already under way are laudable, further progress is hindered by the lack of an overall border management policy. The absence of such a framework risks undermining the coordination and effectiveness of current and future projects. In line with a key recommendation made by the Lebanon Independent Border Assessment Team in August 2008, I call upon the future Government of Lebanon to develop a comprehensive border strategy as a priority. I also thank donors for their support to the Common Border Force and to other projects aimed at securing Lebanon's borders, and call upon the international community to support the future efforts of the Government of Lebanon to ensure adequate control of its country's borders.

73. I urge donors to continue to support humanitarian demining in Lebanon and strengthen national capacity in this regard. I commend the Army, the Lebanese Mine Action Centre and the many non-governmental organizations involved in demining efforts for their tireless determination and work among the most affected communities.

74. Additional work also needs to be done by the future Government to improve the living conditions of Palestinian refugees in Lebanon, without prejudice to an overall resolution of the Palestinian refugee question in the context of a comprehensive peace agreement. It is my strong belief that addressing the difficult living conditions of Palestinian refugees in Lebanon will have a positive impact on the coexistence of Lebanese and Palestinians and, hence, on national security and stability.

75. Notwithstanding considerable international support, the large task of reconstructing the destroyed Nahr al-Bared camp in northern Lebanon remains challenging. The discovery of archaeological remains on the site resulted in a further delay to the work, provoking Palestinian fears that reconstruction could be at risk. I welcome the Government's continued commitment to rebuilding the camp, and its recent decision to permit work to resume, in accordance with Lebanese law, pending a future decision by the Shura on a petition related to the archaeological discovery.

76. More than four months since legislative elections were held in Lebanon, a new government has yet to be agreed upon and to assume office. It is my hope that the process of consultations currently led by Prime Minister-designate Hariri will soon result in the formation of a Government that will gain Parliament's confidence. I also look forward to the new government's unequivocal commitment to the full implementation of resolution 1701 (2006).

77. As I remarked in previous reports, UNIFIL cooperation with the Lebanese Armed Forces has helped to establish a new strategic environment and restore and maintain stability in southern Lebanon, providing the foundation on which a process towards achieving a permanent ceasefire can be built. The window of opportunity that the UNIFIL presence has created cannot be maintained indefinitely, however. It is the responsibility of the parties to focus on all outstanding issues in order to achieve a permanent ceasefire and long-term solution as envisaged in resolution 1701 (2006). Compliance with obligations under resolution 1701 (2006), as described in detail in this report, during the coming months would create favourable conditions for the attainment of a permanent ceasefire. The United Nations, through the work of my Special Coordinator for Lebanon and UNIFIL, stand ready to continue to assist the parties towards this objective.

78. It continues to be my profound conviction that we must exert all possible efforts to achieve a just, lasting and comprehensive peace in the Middle East, on the basis of the implementation of Security Council resolutions 242 (1967) and 338 (1973), which remains interdependent with the full territorial integrity, sovereignty and political independence of Lebanon.

United Nations S/2009/567

Security Council

Distr.: General
3 November 2009

Original: English

Letter dated 2 November 2009 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

I have the honour to forward to you a concept paper for the Security Council open debate on the theme "Protection of civilians in armed conflict", to be held on 11 November 2009 (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Thomas **Mayr-Harting**
Ambassador

09-59204 (E) 031109

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Annex to the letter dated 2 November 2009 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

Concept paper

Security Council open debate on the protection of civilians in armed conflict

11 November 2009

2009 marks the tenth anniversary of the Security Council's initial consideration of the protection of civilians in armed conflict as a thematic issue.

Since the adoption of resolution 1265 (1999), the protection of civilians has come to occupy a prominent place on the agenda of the Security Council. The four landmark resolutions, several presidential statements, the regular thematic debates, periodic reports of the Secretary-General and the aide-memoire on the protection of civilians, as well as the consideration of protection concerns in an increasing number of country-specific resolutions and the mandates of peacekeeping missions, are all indicators of the significant progress made over the last decade and the Council's commitment to the issue.

In that time, the Council has dealt with different aspects of the protection of civilians including the specific protection needs of women and children, the scourge of sexual violence, as well as the necessity of ensuring accountability and overcoming constraints on safe, unimpeded and timely humanitarian access.

As highlighted in the recent report of the Secretary-General on the protection of civilians in armed conflict (S/2009/277), the significant development of international norms and standards for the protection of civilians, the mandating of peacekeeping missions to protect civilians, and other important steps taken by the Council to enhance protection have not been fully matched by the requisite actions on the ground, and numerous challenges remain. The fact that civilians continue to bear the brunt of today's armed conflicts indicates the enduring need for the Security Council and Member States to further strengthen the protection of civilians.

Under the Austrian presidency of the Security Council, Foreign Minister Michael Spindelegger will chair a high-level open debate on 11 November on the protection of civilians in armed conflict. Marking the tenth anniversary of the Council's consideration of the protection of civilians, the debate provides a critical opportunity for the Security Council, Member States and other partners to engage in an in-depth exchange of views, to take stock of the progress made so far, and to reinvigorate the Council's commitment to the protection of civilians. It is also an occasion to identify and agree on concrete measures to improve compliance by parties to conflict with the existing normative framework for protection and the implementation of the Council's decisions. Participants may wish to discuss the following themes:

Strengthening the rule of law, enhancing compliance and ensuring accountability

As underlined by the Secretary-General, one of the main challenges we face is the failure of parties to conflict, including non-State armed groups, fully to respect, and ensure the respect of, their obligations under international law to protect civilians.

The Security Council has a key role to play in enhancing compliance as well as promoting accountability for violations of international humanitarian and human rights law. To a large degree, it is the absence of accountability, as a meaningful deterrent, that allows violations to thrive. The means at the Council's disposal range from consistently condemning violations, calling for strict compliance of all parties with their obligations under international law and promoting justice and reconciliation mechanisms, to applying targeted measures and requesting monitoring, reporting and fact-finding on serious violations as a prerequisite for ensuring accountability at the national or international level.

Improving the implementation of protection mandates by peacekeeping missions

Since 1999, the Security Council has tasked United Nations peacekeeping missions with assisting national authorities to exercise their responsibility in protecting civilians. Resolution 1674 (2006) reaffirmed the Council's practice of ensuring that mandates of peacekeeping and other missions include, on a case-by-case basis, provisions for the protection of civilians. Ensuring the effective implementation of such mandates — and the range of tasks and activities they imply, which involve all parts of a mission and not just the uniformed components — has been highlighted by the above-mentioned report of the Secretary-General and the New Horizon non-paper of the Department of Peacekeeping Operations (July 2009) as a major challenge of United Nations peacekeeping.

Overcoming the lack of common understanding of what peacekeepers can, and should, do to protect civilians is a priority for ensuring the credibility of United Nations peacekeeping missions mandated to protect civilians. Moreover, the disparity between mandated tasks and allocated resources and capabilities, as well as the information gap between the field and Headquarters — including the Security Council — are important challenges that need to be tackled.

The effective implementation of protection tasks involves a broad range of actors. It requires close consultation, including between the Security Council, the Secretariat and troop- and police-contributing countries, prior to the establishment, and throughout the life cycle of, peacekeeping missions. Enhanced operational guidance for peacekeepers on how to implement protection tasks as well as mission-wide protection strategies (based on a realistic assessment of the threats to civilians and the protection role of humanitarian, human rights and other relevant actors) can contribute to ensuring the coherent, coordinated and effective implementation of protection activities.

Enhancing the provision of information and reporting to the Council on issues pertaining to the protection of civilians

Comprehensive, accurate and detailed reporting on the protection of civilians including on constraints on safe, timely and unimpeded access for humanitarian actors, and a regular flow of information between both Headquarters and the field

are prerequisites for the Security Council and other stakeholders to be able to take timely and informed action to ensure the protection of civilians in specific situations. Improved reporting would furthermore enhance Council monitoring and oversight of the implementation of protection activities and progress by peacekeeping missions, and allow it to adjust mandates to reflect changes on the ground.

United Nations S/2009/568

Security Council

Distr.: General
3 November 2009

Original: English

Letter dated 29 October 2009 from the Chargé d'affaires a.i. of the Permanent Observer Mission of the African Union to the United Nations addressed to the President of the Security Council

Pursuant to Article 54 of the Charter of the United Nations, I have the honour to transmit herewith decisions PSC/AHG/COMM.1(CCVII), PSC/AHG/COMM.2 (CCVII) and PSC/AHG/COMM.3(CCVII), which were adopted by the African Union Peace and Security Council at its 207th meeting, held in Abuja at the level of Heads of State and Government on 29 October 2009, on the report of the African Union High Level Panel on Darfur and on the situation in the Republic of Guinea and in the Republic of the Niger, respectively (see annexes I to III).

It will be appreciated if the texts of the documents referred to above could be circulated as a document of the Security Council.

(*Signed*) Tete **Antonio**
Ambassador
Acting Permanent Observer

09-59183 (E) 051109

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Annex I to the letter dated 29 October 2009 from the Chargé d'affaires a.i. of the Permanent Observer Mission of the African Union to the United Nations addressed to the President of the Security Council

[Original: English]

Communiqué of the 207th meeting of the Peace and Security Council

The Peace and Security Council of the African Union (AU), at its 207th meeting held in Abuja on 29 October 2009, at the level of Heads of State and Government, considered the report of the AU High Level Panel on Darfur (AUPD), and adopted the following decision:

The Council,

1. *Endorses* the report of the African Union High Level Panel on Darfur (AUPD) [PSC/AHG/2(CCVII)] and the recommendations contained therein;

2. *Congratulates* the Chairperson of the AUPD, former President Thabo Mbeki of South Africa, the other members of the Panel, namely General Abdulsalami Abubakar, former Head of State of the Federal Republic of Nigeria; Mr. Pierre Buyoya, former President of Burundi; Mr. Alhaji Kabir A. Mohammed (Nigeria), former State House Counsel and Special Envoy of former President Olusegun Obasanjo on the trial of suspects of war crimes and human rights violations in Darfur; Hon. Judge Florence Ndepele Mwachande Mumba (Zambia), Judge of the Supreme Court; Mr. Ahmed Maher El Sayed, former Foreign Minister of Egypt, and Rakiya Abdillahi Omaar (Somalia), Director, African Rights; and the team of experts that supported their work, for the breadth of the consultations they have undertaken, the comprehensiveness of their report, and the relevance of their recommendations;

3. *Expresses appreciation* for the cooperation extended to the Panel by the Sudanese Government, opposition political parties, armed opposition movements, internally displaced persons (IDPs), pastoralists and the Darfurian civil society, and other Sudanese parties, as well as international stakeholders;

4. *Recalls* its previous decisions and communiqués on the situation in Darfur, in particular decision PSC/MIN/Comm(CXLII) of 21 July 2009, in which, among others, it requested the Chairperson of the Commission to take all necessary steps for the establishment of an independent High-Level Panel made up of distinguished Africans of high integrity, to examine the situation in depth and to submit recommendations to the Council on how best the issues of accountability and combating impunity, on the one hand, and reconciliation and healing, on the other, could be effectively and comprehensively addressed;

5. *Reaffirms the commitment* of the AU to combat impunity, in line with the relevant provisions of the AU Constitutive Act, and strongly condemns the violations of human rights in Darfur. The Council urges, once again, the United Nations Security Council to heed the AU's call for the deferral of the process initiated by the International Criminal Court (ICC) against President Omar Hassan Al-Bashir, in the interest of peace, justice and reconciliation;

6. *Stresses* the need for speedy progress in the search for peace, security, justice and reconciliation in Darfur, bearing in mind that, while the situation on the ground has significantly improved compared to the height of the crisis in 2003-2004, civilians in that region continue to be exposed to the risk of violence and that millions of people continue to live in IDP camps or as refugees in neighbouring Chad. The Council also stresses the need to create inclusive and conducive conditions for the successful holding in Darfur, as well as in the rest of the country, of the April 2010 national elections provided for by the Comprehensive Peace Agreement (CPA), and to ensure that Darfur fully participates in the national debate arising from the 2011 self-determination referendum in Southern Sudan;

7. *Expresses its conviction* that the achievement of lasting peace and reconciliation in Darfur requires that the Sudanese stakeholders take full ownership of the process and that, given the necessary support, the people of Sudan will be able to bring to an end the conflict in Darfur in an inclusive, peaceful and expeditious manner, bearing in mind that Darfur is a manifestation of the broader political and other challenges facing Sudan as a whole. The Council stresses that the international community needs to play a supportive role, based in a proper understanding of the causes and consequences of the conflict in Darfur;

8. *Stresses* the importance of the general elections scheduled for April 2010 in the overall efforts towards the democratic transformation of the Sudan, and for addressing in a lasting manner the many challenges facing the country;

9. *Welcomes* the progress made in the deployment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), as well as the efforts being deployed to facilitate the search for a lasting solution. In this respect, the Council welcomes the steps taken for the early holding of negotiations in Doha under the auspices of the Joint Chief Mediator and the Government of Qatar, as an integral part of the approach to peace as articulated in the report of the AUPD;

10. *Stresses* that the recommendations contained in the report of the AUPD (paras. 280-377) provide a clear and sound road map for achieving peace, justice, reconciliation and healing in Darfur, and thereby contribute to the overall objective of promoting sustainable peace and stability in the Sudan, and decides that these recommendations shall be the basis of the AU engagement in Darfur and its interaction with its international partners;

11. In order to support the peace process and the implementation of the recommendations contained in the report of the AUPD, the Council:

(a) *Requests* the Commission, in consultation with the United Nations Secretariat, to support and exercise due oversight over the process of the mediation, to enhance the profile of the mediation and ensure that it is well-planned, well-resourced in all respects, and that the mediation is undertaken within a fixed time frame;

(b) *Requests* the Chairperson of the Commission to take immediately the necessary steps to enhance its capacity to support the implementation of the recommendations of the AUPD, including the establishment of an appropriate unit within the AU Peace and Security Department, the strengthening of the AU Liaison Office in Sudan and that of the Darfur-Darfur Dialogue and Consultation (DDDC), which has a key role to play in the implementation process, particularly with respect

to reconciliation and in engaging the civil society, disseminating the report and facilitating ownership;

(c) *Stresses* the need to pursue efforts to strengthen UNAMID, including the provision of the required force enablers and the strengthening of its civilian component, such as Civil Affairs, Human Rights and the Rule of Law and DDDC, to enable it effectively play its role in support of the peace process;

(d) *Requests* the Chairperson of the Commission to establish an AU High Level Implementation Panel (AUHIP), comprising of former Presidents Thabo Mbeki, Pierre Buyoya, and Gen. Abdulsalami Abubakar, to assist in the implementation of all aspects of the AUPD recommendations, as well as to assist the Sudanese parties in the implementation of the Comprehensive Peace Agreement (CPA) and other related processes, as part of the democratic transformation of the Sudan. The AUHIP will have an initial mandate of one year. The Council requests all concerned, including the Joint Mediation and UNAMID, to extend full and unreserved cooperation to the AUHIP;

(e) *Also requests* the Chairperson of the Commission to undertake consultations with the United Nations Secretary-General and the Secretary-General of the League of Arab States, for the speedy establishment of a Consultative Forum, involving relevant stakeholders and Sudan's neighbouring countries, as well as AU partners, to receive regular reports on the implementation of the present decision and to serve as a coordinating mechanism to support and promote the achievement of the objectives stated in the decision;

12. *Requests* all AU Member States and partners to fully support the implementation of the recommendations of the AUPD and the implementation of the present decision;

13. *Requests* the Chairperson of the Commission to formally transmit the present decision to the Sudanese stakeholders, as well as to the United Nations Security Council and other AU partners, in order to enlist their support and, with the support of the AUHIP, to implement an appropriate outreach strategy, in order to mobilize the broadest support possible for the successful implementation of the recommendations of the AUPD and of the present decision;

14. *Also requests* the Chairperson of the Commission to submit quarterly reports on the implementation of the AUPD recommendations and of the present decision;

15. *Decides* to remain seized of the matter.

Annex II to the letter dated 29 October 2009 from the Chargé d'affaires a.i. of the Permanent Observer Mission of the African Union to the United Nations addressed to the President of the Security Council

[Original: English]

Communiqué of the 207th meeting of the Peace and Security Council

The Peace and Security Council of the African Union (AU), at its 207th meeting held in Abuja on 29 October 2009, at the level of Heads of State and Government, adopted the following decision on the situation in the Republic of Guinea:

The Council,

1. *Recalls* its previous decisions on the situation in Guinea, in particular paragraph 7 of the communiqué PSC/PR/Comm. (CCIV) adopted at its 204th meeting held on 17 September 2009;

2. *Strongly condemns*, once again, the killings and deliberate acts of violence against unarmed civilians and the rape of women by armed units under the authority of the National Council for Democracy and Development (CNDD) during the peaceful demonstration organized on 28 September 2009;

3. *Endorses* the decisions of the extraordinary summit of the Economic Community of West African States (ECOWAS), held in Abuja on 17 October 2009. In this regard, the Council expresses its full support for the establishment of an international commission of inquiry on the events of 28 September 2009. The Council reaffirms its full support to the mediation undertaken by President Blaise Compaoré of Burkina Faso on behalf of ECOWAS;

4. *Requests* the Commission, in accordance with paragraph 7 of the above-mentioned communiqué, and in close collaboration with ECOWAS and members of the International Contact Group on Guinea, to take all the necessary measures towards the implementation of targeted sanctions, including denial of visas, travel restrictions and freezing of assets, against the President and members of the CNDD, as well as members of the Government and any other civilian or military individual whose activities are aimed at maintaining the unconstitutional status quo in Guinea. In this regard, the Council requests the Commission to circulate, within a week, to AU Member States, for implementation, the list of the individuals to be targeted by the sanctions;

5. *Decides* that these measures and the list mentioned above will be communicated to the United Nations Security Council and all other AU partners, including the European Union, the Organization of the Islamic Conference, the International Organization of la Francophonie and the other members of the International Contact Group on Guinea, as well as to the League of Arab States, in order to give them a universal character;

6. *Decides* to remain seized of the matter.

Annex III to the letter dated 29 October 2009 from the Chargé d'affaires a.i. of the Permanent Observer Mission of the African Union to the United Nations addressed to the President of the Security Council

Communiqué of the 207th meeting of the Peace and Security Council

The Peace and Security Council of the African Union (AU), at its 207th meeting held in Abuja on 29 October 2009, at the level of Heads of State and Government, adopted the following decision on the situation in the Republic of the Niger:

The Council,

1. *Takes note* of the briefings by the Economic Community of West African States (ECOWAS) and the AU Commission on the latest developments in the situation in Niger;

2. *Endorses* the decisions on the situation in Niger adopted by the extraordinary summit of ECOWAS, held in Abuja on 17 October 2009, and commends the efforts deployed by ECOWAS towards finding a speedy and consensual solution to the crisis in Niger. The Council also commends the initiatives taken by the Chairperson of the Commission to help resolve the crisis;

3. *Requests* the Chairperson of the Commission to intensify his efforts and to continue to work closely with ECOWAS to facilitate the speedy resolution of the crisis in Niger and the democratic functioning of the institutions of the country, with the participation and support of all political forces of Niger;

4. *Also requ*ests the Chairperson of the Commission to report to it, within a month, on developments in Niger and the outcome of his efforts and those of ECOWAS;

5. *Decides* to remain seized of the matter.

Annex

Letter dated 15 October 2009 from the High Representative for the Common Foreign and Security Policy and Secretary-General of the Council of the European Union addressed to the Secretary-General

In accordance with the provisions of Security Council resolution 1846 (2008), I enclose herewith the report on the activities of the European Union naval operation Atalanta off the coast of Somalia. The report covers the period from 12 December 2008 to 1 October 2009. I should be grateful if you would transmit the report to the President of the Security Council.

(*Signed*) Javier **Solana**

nautical square miles of piracy-affected areas, in addition to coordinating efforts in the Gulf of Aden.

7. In this regard, the European Union and EU NAVFOR participate actively in the work of the Contact Group on Piracy off the Coast of Somalia which was set up in January 2009 pursuant to Security Council resolution 1851 (2008).

III. Legal framework

8. One of the Working Groups of the Contact Group, notably dealing with the legal aspects of counter-piracy operations, has recently made a proposal relating to the establishment of an international trust fund to help defray the expenses associated with the prosecution of suspected pirates. The Contact Group approved the terms of reference of the trust fund at its plenary meeting on 10 September 2009, requesting the Secretary-General to engage in the process leading to their implementation at the earliest opportunity.

9. As concerns the judicial treatment of suspected pirates captured by EU NAVFOR warships, the transfer agreement concluded in the form of the exchange of letters between the European Union and Kenya on 6 March 2009 represents a powerful tool to ensure the necessary continuum between military action and subsequent prosecution. In order to share the burden with other States, the European Union is currently working on a similar agreement with Seychelles and has approached other nations in the region.

10. The European Commission financially supports judicial capacity-building relating to the trial and related treatment of piracy suspects in Kenya. Following the signature of a contract on 15 May 2009 between the European Community and the United Nations Office on Drugs and Crime, the latter immediately started to implement the jointly developed programme, which will continue over a period of up to 18 months. Likewise, financial support from the European Community and the United Nations Office on Drugs and Crime to trials and treatment of piracy suspects has been extended to Seychelles subject to the completion of the transfer agreement between the European Union and Seychelles.

11. Operation Atalanta's contribution to countering piracy has been evident in its achievements over the past 9 months and its mandate should be formally renewed in November 2009 on the understanding that Security Council resolution 1846 (2008) will be extended.

IV. Root causes of piracy

12. Piracy is likely to remain a serious threat until restoration of law and order makes serious progress ashore. Like its partners, the European Union acknowledges it is only ashore that the root causes of piracy can be addressed. The pledges made at the Brussels Conference on Somali Security held on 23 April 2009 constitute a promising step towards the establishment of an efficient Somali national security force and a civilian Somali police force. Together with others involved in the Contact Group, the European Union continues to investigate ways in which it can help to combat the root causes of piracy.

United Nations S/2009/570

Security Council

Distr.: General
29 October 2009

Original: English

Letter dated 28 October 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit the attached letter dated 29 September 2009 from Judge Patrick Robinson, President of the International Tribunal for the Former Yugoslavia (see annex).

President Robinson seeks the extension of the terms of office of two ad litem judges, Judge Kimberly Prost (Canada) and Judge Ole Bjørn Støle (Norway), until the end of March 2010, in order that they may complete the judgment in the case of the *Prosecutor v. Popović et al.* According to Security Council resolution 1837 (2008), the current terms of office of Judge Prost and Judge Støle will expire on 31 December 2009.

The statute of the International Tribunal does not provide for the extension of the terms of office of the ad litem judges. In the absence of such a provision, the approval of the Security Council, as the parent organ of the International Tribunal, and of the General Assembly, as the organ that elects its judges, is necessary.

I should be grateful if you would bring the letter from President Robinson to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

09-58613 (E) 021109

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Annex*

I have the honour to refer to the 116th plenary meeting of the fifty-ninth session of the General Assembly, of 24 August 2005, at which 27 ad litem judges of the International Criminal Tribunal for the Former Yugoslavia were elected for a mandate of four years. I also refer to resolution 1837 (2008) and resolution 1877 (2009), which were adopted by the Security Council on 29 September 2008 and 7 July 2009, respectively.

By the present letter I wish to advise that, due to unforeseen factors related to the scale and complexity of the case of *Popović et al.*, the delivery of the judgment is delayed and will not be rendered until the end of March 2010. The terms of office of the two ad litem judges serving on the *Popović et al.* case, Judge Kimberly Prost (Canada) and Judge Ole Bjørn Støle (Norway), will expire on 31 December 2009. Accordingly, an extension of their mandates will be required so that they may complete their assignment to this case and so that they can continue to serve beyond the cumulative period of service provided for under article 13 ter, paragraph 2, of the statute of the Tribunal.

The extension of the mandates of Judge Kimberly Prost and Judge Ole Bjørn Støle until March 2010, coupled with the appointment of ad litem Judge Prisca Matimba Nyambe (Zambia) effective 1 December 2009 in order to commence the *Tolimir* trial, will put the Tribunal over its statutory maximum of 12 ad litem judges by one ad litem judge for four months. I note, in this regard, that resolution 1877 (2009) authorized you to exceed the maximum of 12 ad litem judges, to a maximum of 13 at any one time, but only until 31 December 2009.

Accordingly, it has become necessary to seek an extension of the terms of Security Council resolutions 1800 (2008) and 1877 (2009) as the International Tribunal will continue to have a total number of ad litem judges over the statutory limit until the delivery of the judgment in the *Popović et al.* case.

While it is regrettable that the anticipated date for delivery of the judgment in the *Popović et al.* case has not been met, estimation of the length of a trial, including the delivery of a judgment, is not an easy matter. The *Popović et al.* case contains multiple counts, including charges of genocide and crimes against humanity that were allegedly committed at 20 different crime sites in the former United Nations safe haven of Srebrenica; the case also has seven accused and deals with a large number of military forces and over 7,000 alleged victims. The case has made steady progress since its commencement and suffered no major delays. However, at the very end of the case, it was necessary to re-open the Prosecution's case due to recently discovered evidence and this caused an extension of the proceedings.

I would be grateful if this matter could be brought to the attention of the Security Council as a matter of urgency.

(*Signed*) Patrick **Robinson**
President

* Also circulated in A/64/510.

United Nations S/2009/571

Security Council

Distr.: General
3 November 2009

Original: English

Letter dated 2 November 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit the attached letter dated 15 October 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (see annex).

In his letter, President Byron requests that the Security Council permit the International Tribunal to exceed the maximum number of ad litem judges allowed by article 11, paragraph 1, of the statute of the International Tribunal by extending, to 31 December 2010, the authorization granted in Security Council resolution 1855 (2008) adopted on 19 December 2008.

I should be grateful if you would bring the letter from President Byron to the attention of the members of the Security Council.

(Signed) **BAN** Ki-moon

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Annex

Letter dated 15 October 2009 from the President of the International Criminal Tribunal for Rwanda to the Secretary-General

In resolution 1855 (2008), the Security Council authorized the appointment of additional ad litem judges to the International Criminal Tribunal for Rwanda, notwithstanding that the total number of ad litem judges appointed to the Chambers will from time to time temporarily exceed the maximum number of nine provided for in article 11, paragraph 1, of the statute of the International Tribunal, to a maximum at 12 at any one time, returning to a maximum of nine by 31 December 2009.

Currently, 11 ad litem judges are serving at the Tribunal. All of them are serving on several ongoing cases which will not be completed before mid-to-end 2010.

Therefore, it is necessary that the Security Council extend the authorization granted in resolution 1855 (2008) for a maximum of ad litem judges exceeding the statutory maximum number of nine until 31 December 2010, in line with the extension of the mandate of all judges until that date.

I would be grateful if you could bring this matter to the attention of the Security Council for appropriate action.

(*Signed*) Dennis **Byron**
President

United Nations S/2009/572

Security Council

Distr.: General
5 November 2009

Original: English

Identical letters dated 2 November 2009 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instruction from my Government, I have the honour to transmit herewith a letter which represents the position of the Syrian Arab Republic on the tenth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004) (S/2009/542) (see annex).

I would highly appreciate if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

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Annex to the identical letters dated 2 November 2009 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Arabic]

Upon instructions from my Government, I have the honour to transmit herewith identical letters addressed to the Secretary-General and the President of the Security Council, conveying the position of the Syrian Arab Republic in respect of the tenth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004).

We believe that it is no longer acceptable for the Secretary-General to introduce the Syrian Arab Republic into his reports on the implementation of resolution 1559 (2004) after it has met all the obligations incumbent on it under the resolution by withdrawing its military forces and intelligence apparatus from Lebanese territory. This was confirmed in a statement issued by the President of the Security Council (S/PRST/2005/17) and by the relevant reports of the Secretary-General, the latest of which is the tenth semi-annual report. Any outstanding provisions of the resolution are a Lebanese matter and have nothing to do with Syria. The Syrian Arab Republic supported the sessions of the Lebanese National Dialogue, held in Doha, which culminated in the signature of the Doha Agreement by the Lebanese parties and the League of Arab States. In that connection, Syria reiterates its support for any agreement concluded by the Lebanese that strengthens their national unity and is conducive to the development of a defensive strategy to protect Lebanon from Israeli threats. We believe that the Secretariat should also encourage such a consensus rather than create problems that give the impression that Lebanon is under the trusteeship of its Special Representatives.

It would have been more useful if the report had clearly cited Israel as the party that has not implemented resolution 1559 (2004). Moreover, Israel continues to violate the sovereignty of Lebanon by air, land and sea. According to a statement recently made by one of its officials, Israel considers itself to be above international law and not subject to the resolutions of the United Nations. Instead, the report refers to Israel obliquely, despite eyewitness accounts and countless Lebanese complaints that have been officially documented by the United Nations and the United Nations Interim Force in Lebanon and by reports of the Secretary-General to the Security Council. It is clear that implementation of the outstanding provisions of resolution 1559 (2004) requires the Security Council to bring pressure to bear on Israel in order to compel it to withdraw from the Lebanese territory it continues to occupy, including the Shab'a Farms, the Kafr Shuba hills and the northern part of the village of Ghajar, and to cease its repeated violations of Lebanese sovereignty.

The demarcation of the Syrian-Lebanese borders is a bilateral matter and a sovereign prerogative of the two countries, in which no party has the right to interfere. We would like to stress that the real obstacle to the demarcation of the borders is the continued occupation by Israel of the Syrian Golan and the Shab'a Farms. If the international community wishes to be of assistance in this matter, it should bring pressure to bear on Israel to end its occupation.

The report reiterates false assertions regarding arms smuggling across the borders. Those assertions contradict the statements of senior Lebanese officials and the reports of the Lebanon Independent Border Assessment Team, which confirmed that no such activities have taken place. The aim behind the reiteration of such assertions is to distract attention from Israel's daily violations of Lebanese territorial waters and airspace, its infiltration of Lebanese territory and its spying operations, which threaten Lebanon's security and stability.

The Palestinian presence in Lebanon is governed by the 1969 Cairo Agreement, which was concluded by the Lebanese Republic and the Palestine Liberation Organization. With respect to the Palestinian positions located along the Syrian-Lebanese border that are noted in the report, we reiterate that Syria has nothing to do with those positions, which lie completely in Lebanese territory. We also reiterate that the primary reason for the Palestinian presence in Lebanon and other neighbouring States, including Syria, is the continued occupation by Israel of Palestinian territory and its refusal to implement United Nations resolutions, including General Assembly resolution 194 (III), which guarantees the Palestine refugees the right to return to the homes from which they were expelled by occupation forces.

The Syrian Arab Republic emphasizes that the mixing of elements of Security Council resolutions 1559 (2004), 1680 (2006) and 1701 (2006) exceeds the mandates of the Secretary-General's Special Envoys and is unjustified. It also provides Israel with a pretext to continue to violate Lebanon's sovereignty and resolution 1559 (2004), as well as other relevant resolutions. We would therefore like to affirm that the insistence on the introduction of the Syrian Arab Republic into these reports proves what we have so assiduously attempted to bring to the attention of the Secretary-General and the Security Council, namely, that the international officials responsible for the implementation of resolution 1559 (2004) have demonstrated a lack of impartiality, overstepped their mandates and misled the Security Council. This requires the Council to impose constraints on those officials in order to ensure that they do not thus overstep their mandates.

United Nations S/2009/573

Security Council

Distr.: General
4 November 2009

Original: English

Letter dated 3 November 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached letter dated 26 October 2009, from Hoshyar Zebari, Minister for Foreign Affairs of the Republic of Iraq, regarding the attacks which took place in Baghdad on 19 August and 25 October 2009 (see annex).

I should be grateful if you would bring this letter to the attention of the members of the Security Council, as requested by Foreign Minister Zebari.

(*Signed*) **BAN** Ki-moon

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Annex

Letter dated 26 October 2009 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

[Original: Arabic]

I refer to the letter of 30 August 2009 addressed to you by the Prime Minister regarding the terrorist attack of 19 August 2009 on Baghdad, which targeted Iraqi Government institutions, and to our letter of 25 September 2009, also addressed to you and with regard to the same subject, in which we conveyed the desire of the Iraqi Government for a high-level international envoy to be dispatched to assess the extent of foreign involvement in terrorist acts committed in Iraq and their impact on its stability and security.

However, before either you or the Security Council could take any practical measures, Baghdad was once again the target of two simultaneous terrorist attacks on 25 October 2009. The attacks, which killed and injured a large number of innocent civilians, targeted Government institutions in the same manner and at the same time of day as the terrorist attacks of 19 August 2009. This confirms our previous assertion that the aim of those criminal actions is to paralyse the Iraqi State and its institutions and to abort the democratic political process under way in Iraq, thereby gravely undermining its security and stability and having an adverse affect on regional security and stability. These attacks should be investigated because they are a threat to international peace and security and because the security situation in Iraq, which is regarded as the forward battleground in the global war against terrorism, is of great concern to the international community, as evidenced by the relevant Security Council resolutions.

We should therefore like to reiterate Iraq's request for a high-level international envoy to be appointed to assess the extent of foreign involvement in terrorist acts committed in Iraq. We further reiterate that organized attacks of such size and complexity could not have been planned, funded and executed without significant support from outside parties.

While bringing this matter to your attention, we request that it should also be brought to the attention of the Security Council as soon as possible, so that appropriate action to deter terrorism and its sponsors may be taken.

(*Signed*) Hoshyar **Zebari**
Minister for Foreign Affairs of Iraq

United Nations S/2009/574

Security Council

Distr.: General
6 November 2009

Original: English

Identical letters dated 5 November 2009 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I would like to take this opportunity to file a grave complaint concerning violations of United Nations Security Council resolutions under Chapter VII of the Charter of the United Nations, specifically Security Council resolution 1747 (2007) as well as other Security Council resolutions. These grave violations constitute a threat to peace and security, as well as non-compliance with international legal obligations.

On 4 November 2009, a cargo vessel, the *Francop*, was sailing under the flag of Antigua and Barbuda en route to Syria via the intended port of Beirut, as well as other ports. The ship's cargo contained, inter alia, 36 containers of hundreds of tons of a wide range of weaponry, including rockets, missiles, mortars, grenades and small arms and light weapons. The weapons — concealed, wrapped, and declared as civilian cargo in the ship's manifest, were hidden among hundreds of other containers aboard the ship that originated from the Islamic Republic of Iran.

Paragraph 5 of Security Council resolution 1747 (2007) explicitly prohibits Iran from supplying, selling or transferring, directly or indirectly, any arms or related material. Therefore, the aforementioned shipment from Iran to Syria, or to any other country or entity, in particular to any terrorist entity, constitutes a severe violation of this and other resolutions.

The intended route of the *Francop* — coupled with the types of weaponry found on board — raise serious concerns that this incident also constitutes a violation of Security Council resolutions 1701 (2006) and 1373 (2001).

The aforementioned breach is only the latest in a series of recent violations by Iran documented and examined by the Committee established pursuant to resolution 1737 (2006), including the transfer of weapons aboard the *Monchegorsk* (January 2009) and the *Hansa India* (October 2009), both of which were carrying weapons en route from Iran to Syria. These events are part of a pattern of continued Iranian and Syrian grave breaches of Security Council resolutions and non-compliance with their international obligations.

Iran's national shipping company (IRISL), referenced in Security Council resolution 1803 (2008), has been repeatedly found to be involved in transporting weapons and other banned items in violation of United Nations Security Council resolutions.

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Moreover, such defiance constitutes a violation of international maritime commerce as it represents a serious threat to professional shipping crews carrying out their duties in good faith. As such, flag States, shipping and transporting companies, as well as crew members, are unknowingly and unwillingly exploited by Iran's repeated transgressions.

Israel therefore requests the Security Council to take the appropriate action in view of these constant violations and to further investigate this complaint. My Government remains willing to provide additional information regarding the contents of the cargo of the *Francop*.

I should be grateful if you would have this letter distributed as a document of the Security Council.

(*Signed*) Gabriela **Shalev**
Ambassador
Permanent Representative

Note: A video showing the initial discovery of the weapons aboard the *Francop* is available from http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Terrorism+and+Islamic+Fundamentalism-/nava-force-intercepts-Iranian-weapon-ship-4-Nov-2009.htm.